

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MORLYNE YOUNG,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:07CV646 HEA
)	
HSBC MORTGAGE SERVICES, INC.,)	
et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant CSC Credit Services, Inc's Partial Motion to Dismiss Plaintiff's Amended Petition for Personal Injury, [Doc. No. 36], Plaintiff's Motion for Leave to File An Amended Personal Injury Petition, [Doc. No. 43], and Defendant Trans Union, LLC's Motion to Dismiss Plaintiff's Claim for Injunctive Relief, [Doc. No. 44].

Plaintiff's *pro se* Amended Petition for Personal Injury alleges, among other things, that Defendant HSBC Mortgage Services, Inc. reported inaccurate information on Plaintiff's credit reports, failed to correct the inaccuracies and, in addition, conveyed this misinformation to three credit bureaus. Further, Plaintiff alleges that Defendants Trans Union, Experian Scorex, LLC and CSC failed to correct the alleged inaccurate information after reinvestigation, in violation of the

Fair Credit Reporting Act, 15 U.S.C. §§ 1681(n) and 1681(o), (FCRA). In addition to monetary damages, Plaintiff seeks injunctive relief in the form of ordering Defendants to “restore” his credit report within 30 days of the Judgment.

Moving Defendants argue that injunctive relief is not available to private individuals under the FCRA. Plaintiff did not specifically respond to the motion, however, in his Motion to file an Amended Petition, Plaintiff does not include any reference to his request for injunctive relief, but he likewise does not include all of the previous allegations in the Motion that were alleged in his Amended Petition. The Court is therefore unable to ascertain whether Plaintiff concedes the Motion. In any event, the Motion is well taken.

It has been well settled that injunctive relief is not available to private plaintiffs under the FCRA. See, for example, *Varricchio v. Capital One Service, Inc.*, 2007 WL 917226 at *2 (S.D. Fla. March 23, 2007); *Krey v. Castle Motor Sales, Inc.*, 2007 WL 914268 at *2 (N.D. Ill. March 21, 2007); *Presley v. Equifax Credit Information Services, Inc.*, 2006 WL 2457978 at *2 (E.D. Ky. August 21, 2006); *Jarrett v. Bank of America*, 421 F. Supp. 2d 1350, 1353 (D. Kan. 2006); *Bittick v. Experian Information Solutions, Inc.*, 419 F. Supp. 2d 917, 919 (N.D. Tex. 2006); *Miller v. Corestar Financial Group of PA, Inc.*, 2006 WL 1846584 at *5 (E.D. Pa. June 29, 2006) *Hogan v. PMI Mortg. Ins. Co.*, 2006 WL 1310461

(N.D. Ca. May 12, 2006); *Yeagley v. Wells Fargo & Co.*, 2006 WL 193257 at *3 (N.D. Cal. Jan. 23, 2006); *Poulson v. Trans Union, LLC, et al.*, 370 F. Supp. 2d 592, 593 (E.D. Tex. 2005); *Howard v. Blue Ridge Bank, et al.*, 371 F. Supp. 2d 1139, 1145 (N.D. Cal. 2005).

Sections 1681(n) and 1681(o) set forth the potential civil liability for noncompliance with the FCRA. Neither section provides for injunctive relief. A standard axiom of statutory construction is applicable here: “*expressio unius est exclusio alterius*,” essentially that when the legislature makes express reference to one thing, the exclusion of others is implied. *Watt v. GMAC Mortg. Corp.*, 457 F.3d 781, 783 (8th Cir. 2006)(“A standard axiom of statutory interpretation is *expressio unius est exclusio alterius*, or the expression of one thing excludes others not expressed. *Jama v. INS*, 329 F.3d 630, 634 (8th Cir.2003), *aff’d sub nom., Jama v. Immigration and Customs Enforcement*, 543 U.S. 335, 341, 125 S.Ct. 694, 160 L.Ed.2d 708 (2005).”).

Thus, Plaintiff’s request for injunctive relief must be dismissed. Plaintiff will be given leave to file an Amended Complaint, which should set forth his intended amendment and should not include a claim for injunctive relief.

Accordingly,

IT IS HEREBY ORDERED that Defendant CSC Credit Services, Inc’s

Partial Motion to Dismiss Plaintiff's Amended Petition for Personal Injury, [Doc. No. 36], is granted.

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File An Amended Personal Injury Petition, [Doc. No. 43], is granted. Plaintiff shall file his Amended Complaint within 14 days from the date of this Order.

IT IS FURTHER ORDERED that Defendant Trans Union, LLC's Motion to Dismiss Plaintiff's Claim for Injunctive Relief, [Doc. No. 44], is granted.

Dated this 13th day of July, 2007.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", is written above a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE